



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

January 26, 2010

Joel Mensonides, General Manager
Customized Tours & Charters, LLC
22001 Pacific Highway South, Suite 112
Des Moines, WA 98198

RE: Corrected Notice of Penalties – Penalty Assessment TE-091968

Dear Mr. Mensonides:

The Washington Utilities and Transportation Commission (Commission) issued a Notice of Penalties Incurred and Due for Violations of Laws and Rules (penalty assessment) to Customized Tours & Charters, LLC (Customized Tours) on January 25, 2010. The penalty assessment contained a typographical error related to the specific part of the Code of Federal Regulations (CFR) cited.

The January 25 penalty assessment listed the following violation:

- Two violations of WAC 480-30-221, which adopts by reference Title 49, CFR Part 395.45(b)(1), using a driver not medically examined and certified during the preceding 24 months. (Employee Cory Mix drove on two occasions with an expired medical certificate.)

The correct CFR Part for this violation is 391.45(b)(1). A copy of the corrected penalty assessment is enclosed. Please respond within 15 days of receipt, as directed in the assessment.

If you have any questions, please contact Betty Young at 664-1202, or by e-mail at byoung@utc.wa.gov.

Sincerely,

ANN E. RENDAHL
Administrative Law Judge

Enclosures



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES

CORRECTED PENALTY ASSESSMENT: TE-091968
PENALTY AMOUNT: \$200

CHARTER PARTY CARRIER OF PASSENGERS:

Customized Tours & Charters, LLC
22001 Pacific Highway South, Suite 112
Des Moines, WA 98198

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and driver safety requirements, which requires passenger charter carriers to comply with Title 49, Code of Federal Regulations (CFR), including Part 391, which governs qualification of drivers. Revised Code of Washington (RCW) 81.04.405 allows penalties of up to one hundred dollars for every such violation.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$200, as follows:

On December 16, 2009, Commission Motor Carrier investigator Tom McVaugh completed a compliance review of Customized Tours and Charters, LLC (Customized Tours) and identified the following violations:

- Two violations of WAC 480-30-221, which adopts by reference Title 49, CFR Part 391.45(b)(1), using a driver not medically examined and certified during the preceding 24 months. (Employee Cory Mix drove on two occasions with an expired medical certificate.)

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in

an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

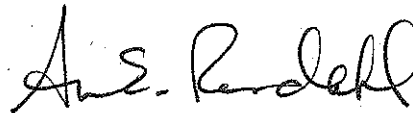
You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective January 26, 2010.



ANN E. RENDAHL
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-091968

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- 1. **Payment of penalty.** I admit that the violations occurred and enclose \$200 in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violations did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
 - a) I ask for a hearing for a decision by an administrative law judge
 - OR b) I waive a hearing and ask for an administrative decision on the information I present here:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”